

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SAMUEL HARDLEY,)
vs.)
Plaintiff,)
CORRECTIONS CORPORATION OF AMERICA,) Case No. 1:14-cv-0802-TWP-TAB
et al.,)
Defendants.)

**Entry Granting Motion to Proceed *In Forma Pauperis*, Discussing Complaint,
Dismissing Insufficient Claims, and Directing Further Proceedings**

I.

The plaintiff's motion to proceed *in forma pauperis* [dkt. no. 2] is is **GRANTED**. No assessment of even a partial initial filing fee is feasible at this time.

II. Background

Because plaintiff Samuel Hardley is a *prisoner* as defined by 28 U.S.C. ' 1915(h), the Court has screened his complaint as required by 28 U.S.C. ' 1915A(b). Pursuant to this statute, "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007).

Hardley's claims are brought pursuant to 42 U.S.C. § 1983. He names the following defendants: 1) the Correctional Corporation of America ("CCA"); 2) Correctional Medical Services a/k/a Corizon; 3) Nurse Lioce Mukona; and 4) two John Doe defendants. He seeks "declaratory" damages, which the Court construes as "compensatory," and punitive damages.

III. Screening

To satisfy the notice-pleading standard of Rule 8(a)(2) of the *Federal Rules of Civil Procedure*, a complaint must provide a “short and plain statement of the claim showing that the pleader is entitled to relief.” Such statement must provide the defendant with “fair notice” of the claim and its basis. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). The complaint “must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. . . . A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation omitted). Pro se complaints such as that filed by Hardley are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Erickson*, 551 U.S. at 94; *Obriecht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

Some claims shall be dismissed and some shall proceed, consistent with the following:

The claims against John Doe unknown defendants are dismissed for failure to state a claim upon which relief can be granted because “it is pointless to include [an] anonymous defendant [] in federal court; this type of placeholder does not open the door to relation back under Fed.R.Civ.P. 15, nor can it otherwise help the plaintiff.” *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997) (internal citations omitted). Bringing suit against unnamed, or “John Doe,” defendants in federal court is generally disfavored by the Seventh Circuit.

The claim against CCA is dismissed because Hardley has not alleged any constitutionally deficient policy or custom of CCA that caused him injury. *See City of Canton v. Harris*, 489 U.S. 378, 387-88 (1989); *Monell v. Dept. of Soc. Serv.*, 436 U.S. 658, 690-92 (1978).

IV. Further Proceedings

The Eighth Amendment claims of deliberate indifference to a serious medical need shall proceed against defendants Correctional Medical Services a/k/a Corizon and nurse Loice Mukona. The clerk shall **issue and serve process** on defendants 1) Correctional Medical Services a/k/a Corizon and 2) nurse Loice Mukona in the manner specified by *Fed. R. Civ. P.* 4(d)(2). Process in this case shall consist of the complaint filed on May 16, 2014, applicable forms, and this Entry.

IT IS SO ORDERED.

Date: 05/21/2014



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

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Nurse Loice Mukona
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NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.